

HOUSE BILL 1284

D1, D2, E2

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By: **Delegates Burns, Aumann, Cardin, Frank, Jennings, Jones, Kach, Lafferty, McDonough, Minnick, Nathan-Pulliam, Schuler, Stein, and Weir**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Veterans’ Treatment Court Pilot Program**
3 **– Establishment**

4 FOR the purpose of authorizing the establishment of a Veterans’ Treatment Court
5 Pilot Program in Baltimore County under certain circumstances; authorizing
6 the Chief Judge of the Court of Appeals to accept a gift or grant for certain
7 purposes under certain circumstances; providing that a defendant charged with
8 a certain nonviolent crime who is a veteran and who exhibits substance abuse
9 or mental health problems is eligible for diversion to a certain veterans’
10 treatment court; providing for certain procedures; requiring the Administrative
11 Office of the Courts to incorporate the Veterans’ Treatment Court Pilot Program
12 under the Office of Problem–Solving Courts, make certain best practice
13 recommendations, and establish performance evaluations for the veterans’
14 treatment courts; providing for the period for which a veterans’ treatment court
15 retains jurisdiction; authorizing the use of funds from a certain special fund for
16 providing certain substance abuse services through a veterans’ treatment court;
17 establishing the applicability of the subtitle; defining certain terms; requiring
18 the circuit administrative judge for a certain circuit to submit a certain report
19 on the pilot program; making this Act subject to a certain contingency;
20 providing for the termination of this Act; and generally relating to the
21 establishment of a Veterans’ Treatment Court Pilot Program in Baltimore
22 County.

23 BY repealing and reenacting, without amendments,
24 Article – Criminal Procedure
25 Section 6–220(b)(1)
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Criminal Procedure
3 Section 6–2A–01 through 6–2A–09 to be under the new subtitle “Subtitle 2A.
4 Veterans’ Treatment Court Pilot Program”
5 Annotated Code of Maryland
6 (2008 Replacement Volume and 2009 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article – Health – General
9 Section 8–6A–01(b)(1) and (3)
10 Annotated Code of Maryland
11 (2009 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 8–6A–01(c)
15 Annotated Code of Maryland
16 (2009 Replacement Volume)

17 Preamble

18 WHEREAS, The year 2010 marks the ninth straight year of America at war.
19 There are now more than 23 million U.S. veterans including 1.7 million from wars in
20 Iraq and Afghanistan; and

21 WHEREAS, These men and women shoulder the burden of safeguarding our
22 freedom. More than 5,300 soldiers have paid the ultimate price and another 37,000
23 soldiers will forever bear the physical wounds of war; and

24 WHEREAS, One in six veterans who returns from the wars in Iraq and
25 Afghanistan suffers from a substance abuse issue; one in five veterans has symptoms
26 of a mental disorder or cognitive impairment; and research continues to draw a link
27 between substance abuse and combat-related mental illness. Unprecedented numbers
28 of veterans nationwide are appearing in the courts to face charges stemming directly
29 from these issues; and

30 WHEREAS, Maryland’s drug treatment courts evolved out of the necessity for a
31 solution-based approach to an influx of drug abusing offenders before the State courts;
32 this model and the other problem-solving courts in the State have proved to be
33 successful, cost effective, and a scientifically validated tool to deal with substance
34 abuse and mental health issues in the criminal justice system; and

35 WHEREAS, Since 2008, when the first veterans’ treatment court was designed
36 by the city court in Buffalo, New York, to keep veterans who are nonviolent offenders
37 out of jail, veterans’ treatment courts have been established in other states and local
38 jurisdictions. Other states have passed similar authorizing legislation. Congress is
39 now considering the “Services, Education, and Rehabilitation for Veterans Act”, or the

1 “SERV” Act, to provide federal assistance for jurisdictions to establish veterans’
2 treatment courts; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Criminal Procedure**

6 **6–220.**

7 (b) (1) When a defendant pleads guilty or nolo contendere or is found
8 guilty of a crime, a court may stay the entering of judgment, defer further proceedings,
9 and place the defendant on probation subject to reasonable conditions if:

10 (i) the court finds that the best interests of the defendant and
11 the public welfare would be served; and

12 (ii) the defendant gives written consent after determination of
13 guilt or acceptance of a nolo contendere plea.

14 **SUBTITLE 2A. VETERANS’ TREATMENT COURT PILOT PROGRAM.**

15 **6–2A–01.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) “ELIGIBLE DEFENDANT” MEANS A VETERAN WHO:

19 (1) IS CHARGED WITH A NONVIOLENT CRIME; AND

20 (2) EXHIBITS SUBSTANCE ABUSE BEHAVIOR OR MENTAL HEALTH
21 PROBLEMS.

22 (C) “NONVIOLENT CRIME” MEANS A CRIME THAT IS NOT LISTED AS A
23 CRIME OF VIOLENCE IN § 14–101 OF THE CRIMINAL LAW ARTICLE.

24 (D) “VETERAN” MEANS A PERSON WHO SERVED IN THE ACTIVE ARMED
25 FORCES OF THE UNITED STATES AND WHO WAS DISCHARGED OR RELEASED
26 FROM SERVICE UNDER CONDITIONS OTHER THAN DISHONORABLE.

27 **6–2A–02.**

28 **THIS SUBTITLE APPLIES ONLY:**

1 (1) IN BALTIMORE COUNTY; AND

2 (2) TO THE EXTENT THAT FUNDS ARE:

3 (I) MADE AVAILABLE TO THE STATE OR COUNTY UNDER
4 THE FEDERAL SERVICES, EDUCATION, AND REHABILITATION FOR VETERANS
5 ACT, OR ANY OTHER FEDERAL LAW;

6 (II) PROVIDED BY THE COUNTY; OR

7 (III) PROVIDED BY GIFT MONEY OR GRANT MONEY FROM
8 NONPROFIT SOURCES.

9 **6-2A-03.**

10 (A) THE CIRCUIT ADMINISTRATIVE JUDGE OF THE THIRD CIRCUIT
11 MAY ESTABLISH A VETERANS' TREATMENT COURT IN THE CIRCUIT COURT IN
12 BALTIMORE COUNTY.

13 (B) AFTER CONSULTATION WITH THE ADMINISTRATIVE JUDGE OF THE
14 THIRD CIRCUIT, THE CHIEF JUDGE OF THE COURT OF APPEALS MAY ACCEPT A
15 GIFT OR GRANT TO IMPLEMENT A PILOT PROGRAM IN BALTIMORE COUNTY.

16 **6-2A-04.**

17 (A) AN ELIGIBLE DEFENDANT MAY FILE A PETITION TO HAVE THE
18 CRIMINAL CASE IN WHICH THE DEFENDANT IS CHARGED DIVERTED FROM THE
19 REGULAR CRIMINAL DOCKET TO THE VETERANS' TREATMENT COURT DOCKET.

20 (B) THE STATE'S ATTORNEY MAY RECOMMEND TO THE COURT THAT AN
21 ELIGIBLE DEFENDANT'S CASE BE DIVERTED FROM THE REGULAR CRIMINAL
22 DOCKET TO THE VETERANS' TREATMENT COURT DOCKET.

23 (C) THE COURT, BY ITS OWN MOTION, MAY DIVERT AN ELIGIBLE
24 DEFENDANT'S CASE FROM THE REGULAR CRIMINAL DOCKET TO THE VETERANS'
25 TREATMENT COURT DOCKET.

26 **6-2A-05.**

27 AN ELIGIBLE DEFENDANT UNDER THIS SUBTITLE IS SUBJECT TO:

28 (1) ANY CONDITION OF PROBATION AUTHORIZED BY LAW,
29 INCLUDING § 6-220 OF THIS TITLE; AND

1 (3) The Fund consists of the fee required under § 6–229 of the
2 Criminal Procedure Article, moneys appropriated in the State budget to the Fund, all
3 earnings from investment of moneys in the Fund, and other moneys accepted for the
4 benefit of the Fund from a governmental or private source.

5 (c) The Fund shall be used by the Administration for the following purposes
6 in order of priority:

7 (1) Planning expenses and related costs incurred by local drug and
8 alcohol councils established under Subtitle 10 of this title;

9 (2) Planning expenses and related costs incurred by any State unit
10 designated to coordinate planning by local drug and alcohol councils and review grant
11 requests from local governments; and

12 (3) Substance abuse evaluation and treatment services, including
13 services provided through a drug treatment court **AND, UNDER TITLE 6, SUBTITLE**
14 **2A OF THE CRIMINAL PROCEDURE ARTICLE, A VETERANS’ TREATMENT COURT.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before May 31,
16 2013, the Circuit Administrative Judge of the Third Circuit shall submit a report to
17 the General Assembly, in accordance with § 2–1246 of the State Government Article,
18 that evaluates the Veterans’ Treatment Court Pilot Program established under this
19 Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is contingent on
21 funding being obtained through federal grants, county appropriations, gifts, or
22 nonprofit organization grants to establish the Veterans’ Treatment Court Pilot
23 Program in the circuit court in Baltimore County. If funding is not obtained through
24 federal grants, county appropriations, gifts, or nonprofit organization grants, this Act
25 shall be null and void without the necessity of further action by the General Assembly.

26 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
27 of Section 3 of this Act, this Act shall take effect July 1, 2010. It shall remain effective
28 for a period of 3 years and, at the end of June 30, 2013, with no further action required
29 by the General Assembly, this Act shall be abrogated and of no further force and
30 effect.